

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:09CR034-P-S

FREDDIE LEE HARRIS, JR.,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's Motion for Continuance [19]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for June 29, 2009. Defense counsel requests a continuance to afford more time to investigate the allegations and to obtain and evaluate the potential evidence to be presented at trial. The Government has no objection to the continuance.

The defendant also states that he will waive the inclusion of any additional time granted in response to this request with regard to the Speedy Trial Act. However, pursuant to *Zadner v. United States*, 126 S.Ct. 1976, 1985 (2006), a defendant cannot waive his rights under the Speedy Trial Act.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(7)(A), the period of delay from June 29, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's Motion for Continuance [19] is **GRANTED**;

(2) Trial of this matter is continued until Monday, August 17, 2009 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from June 29, 2009 to August 17, 2009 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is July 27, 2009; and

(5) The deadline for submitting a plea agreement is August 3, 2009.

SO ORDERED this the 17th day June, A.D., 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE